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**RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2122**

S/N 09/606,961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**OFFICIAL**

Applicant:	Rodrigues et al.	Examiner:	Eric B. Kiss
Serial No.:	09/606,961	Group Art Unit:	2122
Filed:	June 29, 2000	Docket No.:	MS 150530.1/40062.69US01
Customer No.:	23552	Confirmation No.:	7182
Title:	Performance Markers to Measure Performance of Features in a Program		

**CERTIFICATE UNDER 37 C.F.R. 1.6(d):**

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on May 25, 2004.

By:

*Robert A. Kalinsky*

Name: Robert A. Kalinsky

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Commissioner for Patents  
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Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Dear Sir:

This communication is in response to the final Office Action mailed on April 2, 2004.

Claims 1-27 are pending in the application.

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

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TO: Commissioner for Patents  
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FROM: Robert A. Kalinsky

OUR REF: MS 150530.1/40062.69US01  
TELEPHONE: 612.336.4771

USPTO Centralized Facsimile No.: 1-703-872-9306

Total pages, including cover letter: 6

If you do NOT receive all of the pages, please telephone us at 612.336.4771, or fax us at 612.332.9081.

Title of Document Transmitted: 1. Amendment Under 37 C.F.R. § 1.116.

Applicant: **Rodrigues et al.**  
Serial No.: **09/606,961**  
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Group Art Unit: **2122**

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Customer No.: **23552**

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Robert A. Kalinsky  
Name: Robert A. Kalinsky  
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RAK:pll

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Robert A. Kalinsky  
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May 25, 2004  
Date